

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

**HAZEL M. ROBY, as Administratrix *
of the Estate RONALD TYRONE *
ROBY, DECEASED *
Plaintiff, ***

V. *

**BENTON EXPRESS, INC. *
Defendant. ***

Case Number 2:05cv494-T

MOTION TO QUASH

Comes now the Alabama Department of Public Safety by and through its attorney and in response to the attached subpoena moves the Court pursuant to Rule 45(c) FRCP to quash the subpoena and as grounds therefore states as follows:

1. The subpoena seeks production of the personnel file of Steve A. Stephens, a former employee of the Alabama Department of Public Safety.
2. The personnel files maintained by the Alabama Department of Public Safety contain information of a personal and sensitive nature.
3. The department has an obligation to preserve the confidentiality of the information contained in such files.
4. Neither the former employee nor the Alabama Department of Public Safety is a party to this action.
5. The material requested is purely of a personal nature and has no bearing on the facts in this case.

In the alternative, the Alabama Department of Public Safety moves the Court to hold a hearing and to enter a protective order protecting the confidentiality of the documents involved in this request.

Respectfully submitted,

/s J. Haran Lowe, Jr.

J. Haran Lowe, Jr.

ASB-1215-076J

Attorney for Alabama Department of
Public Safety

ADDRESS OF COUNSEL

Department of Public Safety

Legal Unit

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CERTIFICATE OF SERVICE

I hereby certify that on February 7, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such to the following:

David M. Andrews

Jere L. Beasley

Julia Ann Beasley

LaBarron N. Boone

Gregory A. Brockwell

Brett A. Ross

and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participant:

/s J. Haran Lowe, Jr.

J. Haran Lowe, Jr.